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TRANSMITTAL OF APPEAL BRIEF (Large Entity)

Docket No.
ITL.0478US

In Re Application Of: **Sanjay S. Gadkari**

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
09/715,752	November 17, 2000	Lan Dai T. Truong	47795	2152	6968

Invention: **Managing a Network of Consumer-Use Computing Devices**

COMMISSIONER FOR PATENTS:

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January 16, 2008

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Dated: **March 5, 2008**

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cc:



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor:

Sanjay S. Gadkari

Serial No.: 09/715,752

Filed: November 17, 2000

For: Managing a Network of
Consumer-Use Computing
Devices

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Art Unit: 2152

Examiner: Lan Dai T. Truong

Docket: ITL.0478US
P10026

Assignee: Intel Corporation

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APPEAL BRIEF

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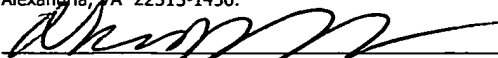

Nancy Meshkoff

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REAL PARTY IN INTEREST

The real party in interest is the assignee Intel Corporation.

RELATED APPEALS AND INTERFERENCES

None.

STATUS OF CLAIMS

Claims 1-3 (Rejected).

Claims 4-5 (Canceled).

Claims 6-13 (Rejected).

Claims 14-15 (Canceled).

Claims 16-21 (Rejected).

Claim 22 (Canceled).

Claims 23-28 (Rejected).

Claims 1-3, 6-13, 16-21, and 23-28 are rejected and are the subject of this Appeal Brief.

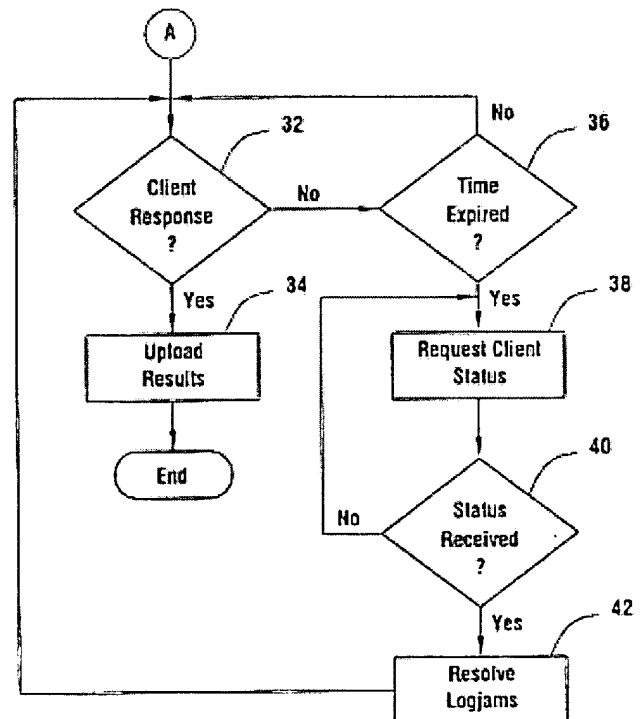
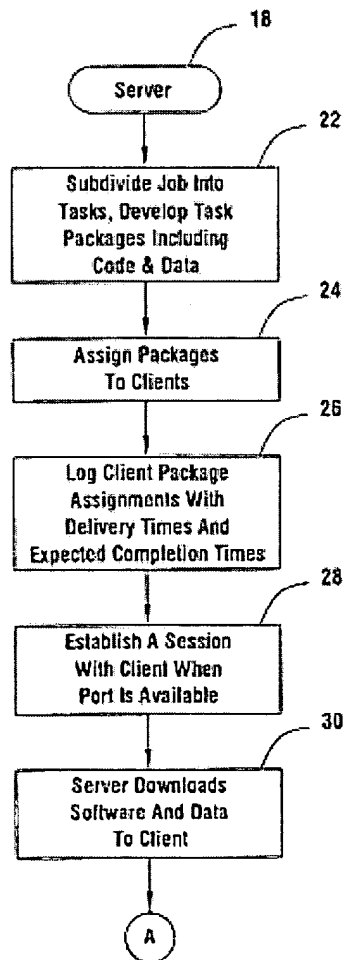
STATUS OF AMENDMENTS

No amendments were made in the Reply to Final Rejection submitted on November 30, 2007. All amendments have therefore been entered.

SUMMARY OF CLAIMED SUBJECT MATTER

In the following discussion, the independent claims are read on one of many possible embodiments without limiting the claims:

1. A method comprising:
assigning, from a server, distributed computing tasks to a network of processor-based client devices (Fig. 2A, 24) (Spec. at p. 6, lines 13-20);
estimating, at said server, based on a client device's resources, a time when the client device is to complete an assigned task (Fig. 2A, 26) (Spec. at p. 6, lines 13-20);
determining, at the server, whether the task is completed after said time (Fig. 2B, 38); and
if not, determining, at the server, why the task was not completed (Fig. 2B, 42) (Spec. at p. 7, line 25 to p. 8, line 9).



11. An article comprising a medium storing instructions that, if executed, enable a server to:

assign, from a server, distributed computing tasks to a plurality of processor-based client devices (Fig. 2A, 24) (Spec. at p. 6, lines 13-20);

estimate, at said server, based on a client device's resources, a time when the client device is to complete an assigned task (Fig. 2A, 26) (Spec. at p. 6, lines 13-20);

determine, at the server, whether the task is completed after said time (Fig. 2B, 38); and

if not, determine, at the server, why the task was not completed (Fig. 2B, 42) (Spec. at p. 7, line 25 to p. 8, line 9).

21. A server comprising:

a processor-based device (Fig. 1, 12); and

a storage (Fig. 1, 18) coupled to said processor-based device storing instructions that, if executed, enable said device to operate a managed network of consumer-use processor-based clients, assign, from a server, distributed computing tasks to said clients (Fig. 2A, 24) (Spec. at p. 6, lines 13-20), estimate, at said server, based on a client device's resources, a time when the client device is to complete an assigned task (Fig. 2A, 26) (Spec. at p. 6, lines 13-20), and determine, at the server, whether the task is completed after said time (Fig. 2B, 38) and, if not, determine, at the server, why the task was not completed (Fig. 2B, 42) (Spec. at p. 7, line 25 to p. 8, line 9).

At this point, no issue has been raised that would suggest that the words in the claims have any meaning other than their ordinary meanings. Nothing in this section should be taken as an indication that any claim term has a meaning other than its ordinary meaning.

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

- A. **Whether claims 1-3, 6-8, 10-13, 16-18, 20-21, 23-28 are unpatentable under 35 U.S.C. § 103(a) over Kraft (US 6,112,225) in view of Zack (US 2002/0124041) and further in view of Doney (US 2002/0122077).**

- B. **Whether claims 9 and 19 are unpatentable under 35 U.S.C. § 103(a) over Kraft (US 6,112,225), Zack (US 2002/0124041), and Doney (US 2002/0122077) in view of Prosati (US 6,678,716).**

ARGUMENT

A. Whether claims 1-3, 6-8, 10-13, 16-18, 20-21, 23-28 are unpatentable under 35 U.S.C. § 103(a) over Kraft (US 6,112,225) in view of Zack (US 2002/0124041) and further in view of Doney (US 2002/0122077).

Claim 1 calls for "if not, determining, at the server, why the task was not completed." The task referred to is clearly a task that was not completed that was assigned by the server to one of a network of processor-based client devices. See claim 1, first paragraph. Thus, the net effect of claim 1 is to require that the server determine why a task on the client was not completed. In other words, one device must determine why a task, not executed on that device, was not completed by another device that was supposed to execute that task.

The final rejection relies on a number of references. It remains unclear what reference is believed to teach this element. As will be shown in the following discussion, none of the references teach that element.

It is pointed out in paragraph 6, on page 3 of the final rejection, that Zack allegedly teaches "... the processing controller is capable to detect what causes a task not to be completed, i.e. the current CPU clock setting: See (Abstract:[0057]; [0068]; [0052])." The abstract of Zack has nothing to do with determining at any entity "why the task was not completed." Thus, the abstract does not support the rejection.

Paragraph 57 of Zack talks about a processing controller monitoring the progress of each of the units. It also talks about a prediction of the amount of processing units to complete the task. Again, there is nothing about the processing controller or any other entity determining "why the task was not completed."

Paragraph 68 of Zack talks about the processing controller detecting progress in processing of the task. Again, this has nothing to do with determining "why the task was not completed."

Also cited is paragraph 52 which talks about the processing controller detecting that the current CPU clock setting will not be sufficient to complete processing tasks. The CPU clock setting does not indicate why the task was not completed. The task was not completed within the time and why the task is not completed has nothing to do with the CPU clock setting. That would be like the student telling his teacher the reason he did not finish his homework was that

the time he had for the homework elapsed before he got to it. That is not an excuse for why the task was not completed. It is a symptom of non-completion: the time elapsed and the task still was not completed, but that is not why the task was not completed.

In paragraph 8 of the final rejection it is suggested that the applicant's arguments that the remote server could determine why the task was not completed at the client relies on elements not claimed. The claim does not say that the server is "remote" from the client, but I have never heard of a server/client relationship where one is not remote, relative to the other. It is not believed that the word "remote" is in any way material to the argument. The argument is that one entity determines why another entity fails to complete a task. This is not taught by any of the references. The fact that a reference's device may determine itself why it failed to complete the task does not teach the claimed invention. The point is that there are two different entities, one of which determines why the other failed.

Therefore, the rejection should be reversed.

B. Whether claims 9 and 19 are unpatentable under 35 U.S.C. § 103(a) over Kraft (US 6,112,225), Zack (US 2002/0124041), and Doney (US 2002/0122077) in view of Prosati (US 6,678,716).

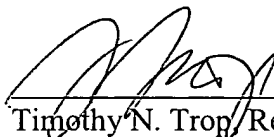
For the reasons set forth above, these rejections should also be reversed.

* * *

Applicant respectfully requests that each of the final rejections be reversed and that the claims subject to this Appeal be allowed to issue.

Respectfully submitted,

Date: March 5, 2008



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CLAIMS APPENDIX

The claims on appeal are:

1. A method comprising:
assigning, from a server, distributed computing tasks to a network of processor-based client devices;
estimating, at said server, based on a client device's resources, a time when the client device is to complete an assigned task;
determining, at the server, whether the task is completed after said time; and
if not, determining, at the server, why the task was not completed.
2. The method of claim 1 including establishing a persistent connection between at least one of said devices and a server.
3. The method of claim 1 including subdividing a distributed computing job into tasks and assigning each of said tasks to a different device.
6. The method of claim 1 including, if no results are received after the passage of said time estimate, querying said device.
7. The method of claim 1 including automatically requesting results after the passage of said time estimate.
8. The method of claim 1 including maintaining, from a server, the software on said devices.
9. The method of claim 1 including receiving the results of said task from a device and providing an acknowledgement to said device when the results are received correctly.

10. The method of claim 1 including receiving a completion message from a device and automatically establishing an upload session to receive the task results.

11. An article comprising a medium storing instructions that, if executed, enable a server to:

assign, from a server, distributed computing tasks to a plurality of processor-based client devices;

estimate, at said server, based on a client device's resources, a time when the client device is to complete an assigned task;

determine, at the server, whether the task is completed after said time; and

if not, determine, at the server, why the task was not completed.

12. The article of claim 11 further storing instructions that enable the server to establish a persistent connection between at least one of said devices and said system.

13. The article of claim 11 further storing instructions that enable the server to subdivide a distributed computing job into tasks and assign each of said tasks to a different device.

16. The article of claim 11 further storing instructions that enable the server to query a device if no results are received after the passage of said time estimate.

17. The article of claim 11 further storing instructions that enable the server to automatically request results from said task after the passage of said time estimate.

18. The article of claim 11 further storing instructions that enable the server to maintain the software on a device.

19. The article of claim 11 further storing instructions that enable the server to receive the results of a task from a device and provide an acknowledgement to said device when the results are received correctly.

20. The article of claim 11 further storing instructions that enable the server to receive a completion message from a device and automatically establish an upload session to receive the task results.

21. A server comprising:
a processor-based device; and
a storage coupled to said processor-based device storing instructions that, if executed, enable said device to operate a managed network of consumer-use processor-based clients, assign, from a server, distributed computing tasks to said clients, estimate, at said server, based on a client device's resources, a time when the client device is to complete an assigned task, and determine, at the server, whether the task is completed after said time and, if not, determine, at the server, why the task was not completed.

23. The server of claim 21 wherein said server is a system management server.

24. The server of claim 21 wherein said processor-based device has a persistent connection with at least one consumer-use processor-based client.

25. The server of claim 21 wherein said storage stores instructions that enable said processor-based device to divide a distributed computing job into a plurality of tasks, assign said tasks to specific processor-based clients, and estimate the time to complete said job by said clients.

26. The server of claim 21 further storing instructions to develop an estimate of the time to task completion.

27. The server of claim 21 further storing instructions that, if no results are received after the passage of said time estimate, querying said device.

28. The server of claim 26 further storing instructions to automatically request said results after the passage of said time estimate.

EVIDENCE APPENDIX

None.

RELATED PROCEEDINGS APPENDIX

None.